

JC971 U.S. PRO  
09/828870  
04/10/01

Assistant Commissioner for  
Patents and Trademarks  
Washington, D.C. 20231

## NEW APPLICATION TRANSMITTAL

Dear Sir:

Transmitted herewith for filing is the utility patent application of **Inventors:**

- (1) Thomas D. Chittenden;
- (2) Robert J. Lutz;

**Entitled:** NOVEL PEPTIDES AND COMPOSITIONS WHICH MODULATE  
APOPTOSIS:

**Enclosed are:**

**1. Papers Required For Filing Date Under 37 C.F.R. § 1.53(b):**

58 Page(s) for Specification  
5 Page(s) for Claim(s)  
1 Page(s) for Abstract  
14 Sheet(s) of informal drawings.

**2. Declaration/Power of Attorney**

Newly executed (original or copy)  
 Copy from prior application (continuation/divisional applications)

**3. Assignment**

This application was previously assigned to Apoptosis Technology, Inc., at  
reel/frame number 9818/0553.

**4. Microfiche Computer Program Appendix**

Sheet(s) of microfiche.

**5. Nucleotide and/or Amino Acid Sequence Submission**

Computer readable copy.  
 Paper Copy (identical to computer copy).

Statement verifying identity of above copies.

Statement of Reliance on Sequence Listing and Computer Readable Form of Sequence Listing in U.S. patent application number(s) 09/236,385, filed 25 January 1999, incorporated herein by reference in its/their entirety.

## 6. Small Entity Statement

Applicant(s) hereby claim "small entity" status under 37 C.F.R. § 1.9 and § 1.27.

A verified statement that this is a filing by a "small entity" under 37 C.F.R. § 1.9 and § 1.27 is enclosed.

A verified statement that this is a filing by a "small entity" under 37 C.F.R. § 1.9 and § 1.27 was filed in a prior application, copy attached. Status still proper.

## 7. Claim for Priority Under 35 U.S.C. § 120

The benefit under 35 U.S.C. § 120 is hereby claimed.

Please amend the specification as follows:

After the title of the invention, insert the following:

"This application claims priority to, and is a **divisional** application of, U.S. application number(s) \_\_\_\_\_, filed \_\_\_\_\_, incorporated herein by reference, in its/their entirety."

"This application claims priority to, and is a **continuation** application of, U.S. application number(s) \_\_\_\_\_, filed \_\_\_\_\_, incorporated herein by reference, in its/their entirety."

"This application claims priority to, and is a **continuation-in-part** application of, U.S. application number(s) \_\_\_\_\_, filed \_\_\_\_\_, incorporated herein by reference, in its/their entirety."

## 8. Claim for Priority Under 35 U.S.C. § 119

The benefit of priority under 35 U.S.C. § 119 is hereby claimed.

Certified copy(ies) of the below-identified **foreign/PCT** application(s) enclosed.

Certified copy(ies) of the below-identified **foreign/PCT** application(s) were filed in U.S. patent application number(s) \_\_\_\_\_, filed \_\_\_\_\_.

Please amend the specification as follows:

After the title of the invention, insert the following:

"This application claims priority to **U.S. provisional** application number(s) \_\_\_\_\_, filed \_\_\_\_\_, incorporated herein by reference, in its/their entirety."

"This application claims priority to **foreign** application number(s) \_\_\_\_\_, filed \_\_\_\_\_, incorporated herein by reference, in its/their entirety."

"This application claims priority to **International PCT** application number(s) \_\_\_\_\_, filed \_\_\_\_\_, incorporated herein by reference, in its/their entirety."

"The **International PCT** application **was/was not** published in the English language under PCT Article 21(2)."

## 9. Fee Calculation

| <u>Claims Filed</u>                  | <u>Number Extra</u> | <u>Rate</u> | <u>Basic Fee \$710.00</u> |
|--------------------------------------|---------------------|-------------|---------------------------|
| Total Claims                         | 12                  | - 20 = 0    | X \$ 18.00 0.00           |
| Independent Claims                   | 2                   | - 3 = 0     | X \$ 80.00 0.00           |
| Multiple dependent claim(s)          |                     |             | \$260.00                  |
| Small Entity Discount (50% of above) |                     |             | (\$355.00)                |
| Filing Fee Calculation               |                     |             | \$355.00                  |

Preliminary Amendment canceling/adding extra claims enclosed, and included in above fee calculation.

Preliminary Amendment deleting multiple dependencies enclosed.

## 10. Fee Payment

|  |                 |
|--|-----------------|
| <input checked="" type="checkbox"/> Filing fee calculation above               | <u>\$355.00</u> |
| <input type="checkbox"/> Recording assignment (37 C.F.R. § 1.21(h)(1)-\$40.00) | <u>\$0.00</u>   |
| <b>TOTAL FEES</b> <u>\$355.00</u>  |                 |

## 11. Method of Payment of Fees

Not Enclosed. No filing fee is to be paid at this time.

Enclosed. Check in amount: \$ \_\_\_\_\_

Enclosed. Charge Deposit Account No. 08-0219 amount: \$355.00

## 12. Patent Application Publication-Related Requests (Not for Reissue or Design)

Applicant hereby requests under 37 C.F.R. § 1.84(j) that Figure \_\_\_\_\_ be included on the front page of the patent application publication and patent.  
 Request for non-publication under 35 U.S.C. § 122(b) is enclosed.

**13. Other Enclosures:**

Preliminary Amendment.  
 Information Disclosure Statement  
 Application Data Sheet  
 Other \_\_\_\_\_

**14. Authorization to Credit Overpayment or Charge Additional Fees**

The Commissioner is hereby authorized to credit any overpayment, or charge fees under 37 C.F.R. § 1.16 or 37 C.F.R. § 1.17 which may be required, to Deposit Account No. 08-0219. A duplicate copy of this Transmittal Letter is attached for accounting purposes.

**15. Conditional Petition For Extensions of Time**

Petition is hereby made under 37 C.F.R. § 1.136(a) for any extension of time required to ensure that any papers due in the U.S. Patent and Trademark Office during the pendency of this application are timely filed. Please charge any fees due for any extensions of time to Deposit Account No. 08-0219. A duplicate copy of this Transmittal Letter is attached for accounting purposes.

**16. Correspondence Address:**

Hale and Dorr LLP  
1455 Pennsylvania Avenue, N.W.  
Washington, D.C. 20004  
Telephone: (202) 942-8400

Respectfully Submitted,

Henry N. Nixon  
Registration No. 32,073

Date: 10 April 2001